

Message

From: Amoroso, Cathy [Amoroso.Cathy@epa.gov]
Sent: 2/22/2021 1:46:04 PM
To: Adams, Glenn [Adams.Glenn@epa.gov]
Subject: ORR EIT and D1 ROD for EMDF

Importance: High

Fyi, Carl's comments below. I think he makes a good point that we cannot complete the review the D1 without the items listed below. We can get started and give feedback, but we can't complete the review. Not sure why DOE wants to rush the D1 submittal when we know it will lack several important components – unless it is to make us look like the ones holding it up.

From: Froede, Carl <Froede.Carl@epa.gov>
Sent: Monday, February 22, 2021 6:32 AM
To: Amoroso, Cathy <Amoroso.Cathy@epa.gov>
Cc: Jones, Connie <Jones.Constance@epa.gov>
Subject: RE: ORR EIT 2/18/21 Takeaways
Importance: High

Hi Cathy,

There are several specific EMDF ROD components we have not seen that we will need for our review:

1. Response to the public comments [Appendix?]
2. ARARs [Appendix?]
3. LFRG signed PDAS (which Brad tells me is a hot potato between ORR and DOE HQ) [Appendix?]
4. WAC [Appendix?]
5. RAD discharge limits [Appendix?]

The D1 ROD body of text should be mostly boiler plate and info from the Proposed Plan. We may need to tweak the language in sections we have previously reviewed but it should not present problems. It's the "Appendices" (specifically three to five above) that are required before D2 ROD signature. We will need them in the D1 to move to a D2.

We will have "officially" 60 days to review the D1 ROD. There is nothing in the FFA that mentions any extension of that period. EPA has previously extended review periods outside the FFA but it is not preferred since our regulatory authority is within the FFA. I think DOE should present the EIT with its own schedule as to when the components listed above are expected and can be shared as part of this D1 ROD – otherwise this document could extend out indefinitely and wind up in an informal dispute (outside the FFA) over suitable deliverables. Do NOT put it past the DOE to cut corners and not provide all that we will need – then turn the issue on us as being uncooperative (DOE/UCOR did this to TDEC with Lamar Alexander's help in threatening to defund the TDEC Oak Ridge office over the EMDF. TDEC raised legitimate issues in comments about the EMDF D5 RI/FS but DOE/UCOR got TDEC to back down appealing to TN Rep Fleisman and Senator Alexander. TDEC's comments on the D5 remain unresolved). That event sparked the creation of the "teams" we have working today. Just be aware. DOE does not always "play" fair.

Carl

My two cents,

Carl

While some of the components listed above are NOT required for D1 review

From: Amoroso, Cathy <Amoroso.Cathy@epa.gov>

Sent: Friday, February 19, 2021 10:41 AM

To: Froede, Carl <Froede.Carl@epa.gov>

Cc: Jones, Connie <Jones.Constance@epa.gov>

Subject: RE: ORR EIT 2/18/21 Takeaways

Roger said there was a prior agreement that EPA and TDEC will have extra time to review the D1 ROD, and won't be limited to the standard review timeline.

I found this statement in the Oct 9 2019 joint EPA TDEC letter to DOE:

Because of the number of unresolved issues (e.g. WAC, PNCA, PDAS, LFRG review) the EPA and TD * C may request additional time to review the D 1 ROD, as was discussed and agreed to by DOE at the June 7, 2019 meeting between the parties.

I don't know if that agreement is documented elsewhere. We will need the FFA managers to ensure all parties are on the same page regarding review timeframe. Any D1 submitted in March will be very draft and necessarily be missing the effluent discharge limits, and may also be missing the final WAC and final info on how Hg discharges to the creek will be handled.

From: Froede, Carl <Froede.Carl@epa.gov>

Sent: Friday, February 19, 2021 5:56 AM

To: Amoroso, Cathy <Amoroso.Cathy@epa.gov>

Subject: RE: ORR EIT 2/18/21 Takeaways

If DOE submits the ROD in March/April then we will be in "dispute" by May due to the time constraints imposed by the FFA. That is a stupid idea and clearly outside the intent of the FFA process.

From: Amoroso, Cathy <Amoroso.Cathy@epa.gov>

Sent: Thursday, February 18, 2021 5:46 PM

To: Froede, Carl <Froede.Carl@epa.gov>

Cc: Jones, Connie <Jones.Constance@epa.gov>; Richards, Jon M. <Richards.Jon@epa.gov>

Subject: ORR EIT 2/18/21 Takeaways

Carl,
FYI

Some takeaways related to the EMDF from the EIT discussion today:

- UCOR said they would provide information about the EMDF waste water management system. I asked for such info to be shared with the EMDF ROD Project Team.
- The DRAT members would benefit from a summary of pertinent existing information/data for Bear Creek.
- At the next EMDF ROD Project Team meeting, Brad will float two ideas related to seasonal adjustment and methodology for groundwater contours (linear interpolation or other).
- Roger will follow up on how DOE plans to meet the 35 day FFA commitment related to the FFS.
- EIT needs to address heretofore TBD topic of whether public notice is appropriate for actual discharge limit numbers.

- DOE plans to submit the D1 ROD for EMDF late March/early April.

Also, as you and I discussed last week, we will need contract support and Jon's involvement with the WAC issues.

Thanks!

Cathy